

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL EDWARD GILBERT,

Plaintiff,

v.

CLEAR RECON CORP, et al.

Defendants.

No. 2:24-cv-02308-DC-CKD (PS)

ORDER

Plaintiff Paul Edward Gilbert proceeds pro se and this matter is before the undersigned pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302(c)(21). On January 10, 2025, defendant Citibank moved to dismiss the operative first amended complaint.

Although plaintiff's motion for leave to file a second amended complaint is also pending (see ECF Nos. 49, 50), this does not relieve plaintiff of the obligation to respond to Citibank's motion to dismiss the operative first amended complaint. Plaintiff has not filed a timely opposition or statement of non-opposition to Citibank's motion to dismiss. The court will provide plaintiff a further opportunity to respond to Citibank's motion to dismiss within 14 days after service of this order. Plaintiff is cautioned that any further failure to respond may be construed as plaintiff's non-opposition to the motion. See Local Rule 230(c) ("A failure to file a timely opposition may also be construed by the Court as a non-opposition to the motion.").

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For the reasons set forth above, IT IS HEREBY ORDERED as follows:

1. Plaintiff shall file a written opposition (or a statement of non-opposition) to Citibank's motion to dismiss the operative first amended complaint within 14 days after service of this order. Failure to do so will be deemed a statement of non-opposition and consent to the granting of the motion.
2. Defendant Citibank may file a written reply to any opposition filed by plaintiff within 10 days of plaintiff's filing. The court will take this matter under submission upon conclusion of this briefing schedule. See Local Rule 230(g).

Dated: February 5, 2025

  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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